

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
Implementation of the Commercial Spectrum	)	
Enhancement Act and Modernization of the	)	WT Docket No. 05-211
Commission's Competitive Bidding Rules and	)	
Procedures	)	

**COMMENTS OF SUNCOM WIRELESS, INC.**

SunCom Wireless, Inc. ("SunCom") hereby submits these comments in support of the modifications to the designated entity rules outlined in the Commission's Further Notice of Proposed Rulemaking in the above-captioned docket. <sup>1/</sup> SunCom is a mid-size carrier of digital wireless communications services in the southeastern United States, Puerto Rico and the U.S. Virgin Islands.

SunCom supports the proposal submitted by Council Tree, and is pleased that the Commission has tentatively decided to modify its Part 1 rules to restrict the award of designated entity benefits to an otherwise qualified designated entity that has a "material relationship" with a "large in-region incumbent wireless service provider." <sup>2/</sup> In light of recent consolidation in the wireless industry and the associated aggregation of massive amounts of CMRS spectrum under the control of a very small number of nationwide carriers, it is more critical than ever for the Commission to establish auction

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<sup>1/</sup> *In the Matter of Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures*, Further Notice of Proposed Rulemaking, WT Docket No. 05-211 (rel. Feb. 3, 2006) ("FNPRM").

<sup>2/</sup> See Letter from Messrs. Steve C. Hillard and George T. Laub, Council Tree Communications, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket Nos. 02-353, 04-356, RM-10956 (June 13, 2005); *FNPRM* at 3.

procedures that will provide smaller wireless carriers with realistic opportunities to acquire new spectrum. Designated entities should be allowed to acquire financing and industry expertise from non-controlling investors, but the Commission should ensure that qualified designated entities are not outbid in future auctions by companies financed by, and operating for the benefit of, the nation's largest wireless carriers.

SunCom believes that Council Tree's proposal provides sensible and logical limits for the designated entity program. If adopted, these limits will protect designated entities' ability to obtain financing and expertise from non-controlling investors while preventing the few nationwide carriers from increasing their already enormous influence by benefiting from bidding credits and spectrum set-asides. The designated entity program was designed to avoid concentration of licenses and to ensure opportunities for small businesses and new entrants to acquire licensed spectrum. The FCC must protect this objective by adopting the measures described above.

Respectfully submitted,

**SUNCOM WIRELESS, INC.**

*/s/ Charles Kallenbach*

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